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December 5, 2007

Via ECF and FACSIMILE

Hon. Gerard E. Lynch
United States District Court Judge
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 910
New York, New York 10007

Re: *Level 3 Communications, LLC et. al v. Marine Bulkheading, Inc.,
v. 408-140 Greenwich Street, LLC, et. al*
Docket No. 07-CV-8118 (GEL)
Our File: 775.0435

Your Honor:

This firm was recently retained to represent the Third-party defendant 408-410 Greenwich Street, LLC, incorrectly sued herein as above, in the above-referenced action. We are respectfully seeking: (1) an enlargement of time, *nunc pro tunc*, to answer or otherwise respond to the Third-party Complaint of defendant/Third-party plaintiff Marine Bulkhead, Inc.; and (2) for an adjournment of the Case Management Conference presently scheduled for December 13, 2007, at 4:45 p.m.. Pursuant to Your Honor's Individual Practices, Section 1.E., this is the first request for an extension for time to answer or otherwise appear, and the second request for an adjournment of the Case Management Conference. The prior request for an adjournment of the Case Management Conference was made by plaintiff, and granted.

Third-party Defendant respectfully requests until December 21, 2007 to answer or otherwise respond to the Third-Party Complaint. This application is made with the consent of Jon Werner, Esq. of Lyons & Flood, LLP, counsel for Third-party Plaintiff. The parties' stipulation is annexed hereto. The reason for this request is that this firm was retained as counsel less than a week ago, and we only recently received a copy of the Third-party Complaint and prior filings. We require this time to investigate the allegations in the Third-party Complaint to prepare the appropriate responsive document. Further, we are presently conducting our investigation regarding the Defendant's Fed.R.Civ.P. Local Rule 7.1 statement.

Third-party defendant also requests an adjournment of the initial conference in this matter

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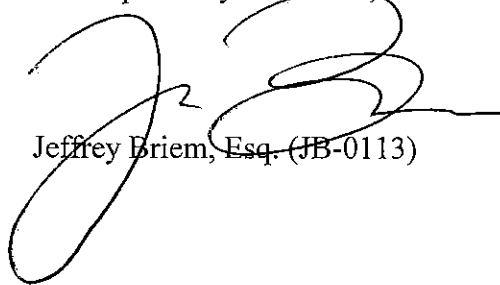
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to January 13, 2007 or as soon thereafter as the Court's calendar can accommodate. I have conferred with all counsel who have appeared in this action and they consent to this adjournment. The reason for this adjournment is that not all of the parties have appeared in the Third-party action. An adjournment would permit all parties to appear, and to permit their respective counsel to confer pursuant to Fed. R Civ. P. 26(f) and to prepare an accurate and comprehensive written discovery plan, as directed by the Court.

For these reasons, we respectfully ask that the Court grant: (1) an enlargement of time to answer or otherwise respond to the Third-party complaint on behalf of Greenwich Street, and (2) for an adjournment of the Case Management Conference to January 13, 2007, or as soon thereafter as this Court's calendar can accommodate. Thank you for your consideration of these requests.

Respectfully submitted,



Jeffrey Briem, Esq. (JB-0113)

Enclosures:

Stipulation

cc:

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and

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